THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:7-03-2006

WRIT PETITION Nos.4215 OF 2006 AND 3363 OF 2006

WRIT PETITION No.4215 OF 2006

BETWEEN:

Dr.Praveen Patel.

…Petitioner

And

Government of Andhra Pradesh, rep.by its Principal Secretary (Industries), Secretariat, Hyderabad and another.

…Respondents

…

WRIT PETITION No.3363 OF 2006

BETWEEN:

Amit Khetawat and others.

…Petitioners

And

Government of Andhra Pradesh, rep.by its Principal Secretary (Industries), Secretariat, Hyderabad and another.

…Respondents

COMMON ORDER:

The petitioners seek to issue a writ of mandamus declaring the proceedings of the second respondent dated 16-2-2006, cancelling the licences issued to the petitioners as illegal, arbitary and without jurisdiction.

The petitioners question the proceedings dated 16-2-2006 vide letter Nos.A/64483/2006 and B/67774/2006 in both the writ petitions. It is stated that by the said letters, the second respondent cancelled the licences granted in favour of the petitioners on the ground that the Supreme Court of Indian by order dated 29-10-2002 in W.P.No.202 of 1995, directed the State Government not to issue permissions to the Saw-Mills and Ply-wood industries without permission of the Central Empowered Committee.

Heard the learned counsel appearing for the petitioners as well as the learned Government Pleader appearing for the respondents.

The learned Government Pleader for Industries and Commerce submits that the petitioners have established the ply-wood industries contrary to the orders of the Supreme Court of Indian without obtaining prior permission from the Central Empowered Committee and therefore, the licences issued by the Inspector of Factories are illegal and unsustainable. It is further submitted that as the licences were issued contrary to the orders of the Supreme Court of India, the licenses of the petitioners have been cancelled by the impugned orders dated 16-2-2006.

Admittedly, the impugned orders does not disclose the issuance of any notice or giving opportunity to the petitioner as to how the issuance of liences in favour of the petitioners is illegal and contrary to law. Therefore, without expressing any opinion on the merits of the case, the impugned orders are liable to be set aside.

Accordingly, the writ petitions are allowed and the proceedings of the second respondent in both the writ petitions are set aside. However, it is open for the respondents to issue a show-cause notice and pass appropriate orders after giving reasonable opportunity to the petitioners. No order as to costs.

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V.ESWARAIAH, J

Date: 7-3-2006.

Shr.